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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/549,130 | BOROSIC, DRAGO | |
| | Examiner | Art Unit | |
| | Clark F. Dexter | 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on November 4, 2004.
2. ☒ The allowed claim(s) is/are 1,3-9 and 12-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☒ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: a copy of the German application.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on December 9, 2004, Mr. Robert Kestenbaum requested an extension of time for 2 MONTHS and authorized the Director to charge applicant's attorneys credit card account (as specified on PTO-2038 filed December 9, 2004) the required fee of \$430.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims

Claim 1 has been rewritten as follows:

--Claim 1 (Currently Amended): In a [[A]] microtome for the production of tissue sections in histology, in which an object to be sectioned is passed past a stationary knife for production of the tissue sections, the improvement comprising:

the stationary knife comprising a disk-shaped knife, which has the shape of a regular polygon, having a perimeter with edges that comprise cutting edges, and

Art Unit: 3724

a knife holder with a knife receiver for arresting and positioning said disk-shaped knife, wherein said knife is received in said knife receiver, [[and,]]

wherein said knife receiver has a shaft about which said knife is rotatable and, whereby by rotation of said knife about said shaft, said knife is moved into cutting positions wherein various ones of said cutting edges are ~~can be~~ brought into a working location position to cut said object, and

wherein said knife receiver further ~~holder~~ has a depression in which said knife is received and for protection of said cutting edges, with an opening at said working location that exposes only a selected one of said cutting edges and serves for working use of said selected one of said cutting edges, wherein the perimeter of said knife is completely surrounded by a wall of said depression except at said working location.--.

Claim 8, line 3, --one of said-- has been inserted before "cutting".

Claim 9, line 2, the second occurrence of "a" has been changed to --said working--.

Claims 10 and 11 have been canceled.

Claim 12, line 1, "11" has been changed to --1--;

line 2, "a" has been changed to --said--.

Claim 13, line 1, "11" has been changed to --1--;

line 2, "for" has been changed to --element that cooperates with--, and the second occurrence of "a" has been changed to --said--.

Claim 14, line 1, "11" has been changed to --1--.

In the Drawings

2. The proposed drawing corrections filed on April 29, 2002 and December 9, 2002 have been **approved**. In order to avoid abandonment, replacement drawings that include the approved drawing changes described above must be submitted.

Remarks

3. The above changes were agreed upon to further clarify the claimed invention with respect to 35 USC 112 and to correct informalities. Independent claim 1 was amended for these reasons as well as to further clarify the claimed invention with respect to the prior art. It is noted that due to the allowability of claim 1 and the overlapping subject matter of independent claim 11, the restriction requirement has been withdrawn, claim 11 has been canceled, and claims 12-14 have been amended to depend from claim 1 and for clarification purposes.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
December 9, 2004